

General Assembly

Raised Bill No. 6840

January Session, 2023

LCO No. 5026



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by: (PS)

AN ACT EXPANDING MEMBERSHIP OF THE POLICE OFFICER STANDARDS AND TRAINING COUNCIL, REVISING THE PROCESS TO APPEAL COUNCIL DECISIONS, REQUIRING GUIDELINES REGARDING BODY-WORN RECORDING EQUIPMENT AND REQUIRING A REPORT REGARDING CONDUCT THAT UNDERMINES PUBLIC CONFIDENCE IN LAW ENFORCEMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Section 7-294b of the general statutes is repealed and the
- 2 following is substituted in lieu thereof (*Effective July 1, 2023*):
- 3 (a) There shall be a Police Officer Standards and Training Council
- 4 which shall be within the Department of Emergency Services and Public
- 5 Protection. [Until December 31, 2020, the council shall consist of the
- 6 following members appointed by the Governor: (1) A chief
- 7 administrative officer of a town or city in Connecticut; (2) the chief
- 8 elected official or chief executive officer of a town or city in Connecticut
- 9 with a population under twelve thousand which does not have an
- 10 organized police department; (3) a member of the faculty of The
- 11 University of Connecticut; (4) eight members of the Connecticut Police
- 12 Chiefs Association who are holding office or employed as chief of police

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- or the highest ranking professional police officer of an organized police
- 14 department of a municipality within the state; (5) the Chief State's
- 15 Attorney; (6) a sworn municipal police officer whose rank is sergeant or
- 16 lower; and (7) five public members.

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- 17 (b) On and after January 1, 2021] <u>Until December 31, 2023</u>, the council shall consist of the following members:
- 19 (1) The chief elected official or chief executive officer of a town or city 20 within the state with a population in excess of fifty thousand, appointed 21 by the Governor;
- (2) The chief elected official or chief executive officer of a town or city
  within the state with a population of fifty thousand or less, appointed
  by the Governor;
- 25 (3) A member of the faculty of an institution of higher education in 26 the state who has a background in criminal justice studies, appointed by 27 the Governor;
- (4) A member of the Connecticut Police Chiefs Association who is holding office or employed as the chief of police, the deputy chief of police or a senior ranking professional police officer of an organized police department of a municipality within the state with a population in excess of one hundred thousand, appointed by the Governor;
- 33 (5) A member of the Connecticut Police Chiefs Association who is 34 holding office or employed as chief of police or the highest ranking 35 professional police officer of an organized police department of a 36 municipality within the state with a population in excess of sixty 37 thousand but not exceeding one hundred thousand, appointed by the 38 Governor;
  - (6) A member of the Connecticut Police Chiefs Association who is holding office or employed as chief of police or the highest ranking professional police officer of an organized police department of a municipality within the state with a population in excess of thirty-five

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- 43 thousand but not exceeding sixty thousand, appointed by the Governor;
- 44 (7) A sworn municipal police officer from a municipality within the
- 45 state with a population exceeding fifty thousand, appointed by the
- 46 Governor;
- 47 (8) A sworn municipal police officer from a municipality within the
- state with a population not exceeding fifty thousand, appointed by the
- 49 Governor;
- 50 (9) The commanding officer of the Connecticut State Police Academy;
- 51 (10) A member of the public, who is a person with a physical
- 52 disability or an advocate on behalf of persons with physical disabilities,
- 53 appointed by the Governor;
- 54 (11) A victim of crime or the immediate family member of a deceased
- victim of crime, appointed by the Governor;
- 56 (12) A medical professional, appointed by the Governor;
- 57 (13) The Chief State's Attorney;
- 58 (14) A member of the Connecticut Police Chiefs Association or the
- 59 person holding office or employed as chief of police or the highest
- 60 ranking professional police officer of an organized police department
- 61 within the state, appointed by the speaker of the House of
- 62 Representatives;
- 63 (15) A member of the Connecticut Police Chiefs Association or the
- 64 person holding office or employed as chief of police or the highest
- 65 ranking professional police officer of an organized police department
- within the state, appointed by the president pro tempore of the Senate;
- 67 (16) A member of the Connecticut Police Chiefs Association who is
- 68 holding office or employed as chief of police or the highest ranking
- 69 professional police officer of an organized police department of a
- 70 municipality within the state with a population not exceeding thirty-five

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- 71 thousand, appointed by the minority leader of the Senate;
- 72 (17) A member of the public who is a justice-impacted person, 73 appointed by the majority leader of the House of Representatives;
- 74 (18) A member of the public who is a justice-impacted person, 75 appointed by the majority leader of the Senate; and
- 76 (19) A member of the public who is a person with a mental disability 77 or an advocate on behalf of persons with mental disabilities, appointed 78 by the minority leader of the House of Representatives.
- 79 (b) On and after January 1, 2024, the council shall consist of the 80 following members:
- 81 (1) The chief elected official or chief executive officer of a town or city 82 within the state with a population in excess of fifty thousand, appointed 83 by the Governor;
- (2) The chief elected official or chief executive officer of a town or city
  within the state with a population of fifty thousand or less, appointed
  by the Governor;
- 87 (3) A member of the faculty of an institution of higher education in 88 the state who has a background in criminal justice studies, appointed by 89 the Governor;
- 90 (4) A member of the Connecticut Police Chiefs Association who is 91 holding office or employed as the chief of police, the deputy chief of 92 police or a senior ranking professional police officer of an organized 93 police department of a municipality within the state with a population 94 in excess of one hundred thousand, appointed by the Governor;
- 95 (5) A member of the Connecticut Police Chiefs Association who is 96 holding office or employed as chief of police or the highest ranking 97 professional police officer of an organized police department of a 98 municipality within the state with a population in excess of sixty 99 thousand but not exceeding one hundred thousand, appointed by the

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100	Governor;		
101	(6) A member of the Connecticut Police Chiefs Association who is		
102	holding office or employed as chief of police or the highest ranking		
103	professional police officer of an organized police department of a		
104	municipality within the state with a population in excess of thirty-fiv		
105	thousand but not exceeding sixty thousand, appointed by the Governor		
106	(7) A sworn municipal police officer from a municipality within the		
107	state with a population exceeding fifty thousand, appointed by the		
108	Governor;		
109	(8) A sworn municipal police officer from a municipality within the		
110	state with a population not exceeding fifty thousand, appointed by the		
111	Governor;		
112	(9) The commanding officer of the Connecticut State Police Academy;		
113	(10) A member of the public, who is a person with a physical		
114	disability or an advocate on behalf of persons with physical disabilities		
115	appointed by the Governor;		
116	(11) A victim of crime or the immediate family member of a deceased		
117	victim of crime, appointed by the Governor;		
118	(12) A medical professional, appointed by the Governor;		
119	(13) The Chief State's Attorney;		
120	(14) A member of the Connecticut Police Chiefs Association or the		
121	person holding office or employed as chief of police or the highes		
122	ranking professional police officer of an organized police department		
123	within the state, appointed by the speaker of the House of		
124	Representatives;		
125	(15) A member of the Connecticut Police Chiefs Association or the		
126	person holding office or employed as chief of police or the highest		
127	ranking professional police officer of an organized police department		

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128 within the state, appointed by the president pro tempore of the Senate; (16) A member of the Connecticut Police Chiefs Association who is 129 130 holding office or employed as chief of police or the highest ranking 131 professional police officer of an organized police department of a 132 municipality within the state with a population not exceeding thirty-five thousand, appointed by the minority leader of the Senate; 133 134 (17) A member of the public who is a justice-impacted person, 135 appointed by the majority leader of the House of Representatives; 136 (18) A member of the public who is a justice-impacted person, 137 appointed by the majority leader of the Senate; 138 (19) A member of the public who is a person with a mental disability 139 or an advocate on behalf of persons with mental disabilities, appointed 140 by the minority leader of the House of Representatives; 141 (20) A sworn police officer who is not in a command position within 142 such officer's law enforcement unit, appointed by the Senate chairperson of the joint standing committee of the General Assembly 143 144 having cognizance of matters relating to public safety and security; and 145 (21) A sworn police officer who is not in a command position within 146 such officer's law enforcement unit, appointed by the House 147 chairperson of the joint standing committee of the General Assembly 148 having cognizance of matters relating to public safety and security. 149 (c) The Commissioner of Emergency Services and Public Protection 150 and the Federal Bureau of Investigation special agent-in-charge in 151 Connecticut or their designees shall be voting ex-officio members of the 152 council. Any member who fails to attend three consecutive meetings or 153 who fails to attend fifty per cent of all meetings held during any 154 calendar year shall be deemed to have resigned from the council. Any 155 nonpublic member of the council shall immediately, upon the 156 termination of such member's holding the office or employment that

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qualified such member for appointment, cease to be a member of the

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council. Any vacancy shall be filled by the appointing authority. A member appointed to fill a vacancy shall be appointed for the unexpired term of the member whom such member is to succeed in the same manner as the original appointment. The Governor shall appoint a chairperson and the council shall appoint a vice-chairperson and a secretary from among the members.

- (d) Membership on the council shall not constitute holding a public office. No member of the council shall be disqualified from holding any public office or employment by reason of his appointment to or membership on the council nor shall any member forfeit any such office or employment by reason of his appointment to the council, notwithstanding the provisions of any general statute, special act or local law, ordinance or charter.
- Sec. 2. Subsection (c) of section 7-294d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October* 173 1, 2023):
  - (c) (1) The council may refuse to renew any certificate if the holder fails to meet the requirements for renewal of his or her certification.
  - (2) The council may cancel or revoke any certificate if: (A) The certificate was issued by administrative error, (B) the certificate was obtained through misrepresentation or fraud, (C) the holder falsified any document in order to obtain or renew any certificate, (D) the holder has been convicted of a felony, (E) the holder has been found not guilty of a felony by reason of mental disease or defect pursuant to section 53a-13, (F) the holder has been convicted of a violation of section 21a-279, (G) the holder has been refused issuance of a certificate or similar authorization or has had his or her certificate or other authorization cancelled or revoked by another jurisdiction on grounds which would authorize cancellation or revocation under the provisions of this subdivision, (H) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have used a firearm in an improper manner which resulted in the death or serious physical

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injury of another person, (I) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit and considering guidance developed under subsection (g) of this section, to have engaged in conduct that undermines public confidence in law enforcement, including, but not limited to, discriminatory conduct, falsification of reports, issuances of orders that are not lawful orders, failure to report or timely report a death in violation of section 7-294mm or a violation of the Alvin W. Penn Racial Profiling Prohibition Act pursuant to sections 54-1*l* and 54-1m, provided, when evaluating any such conduct, the council considers such conduct engaged in while the holder is acting in such holder's law enforcement capacity or representing himself or herself to be a police officer to be more serious than such conduct engaged in by a holder not acting in such holder's law enforcement capacity or representing himself or herself to be a police officer, (J) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have used physical force on another person in a manner that is excessive or used physical force in a manner found to not be justifiable after an investigation conducted pursuant to section 51-277a, or (K) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have committed any act that would constitute tampering with or fabricating physical evidence in violation of section 53a-155, perjury in violation of section 53a-156 or false statement in violation of section 53a-157b. Whenever the council believes there is a reasonable basis for suspension, cancellation or revocation of the certification of a police officer, police training school or law enforcement instructor, it shall give notice and an adequate opportunity for a hearing prior to such suspension, cancellation or revocation. Such hearing shall be conducted in accordance with the provisions of chapter 54. [Any holder aggrieved by the decision of the council may appeal from such decision in accordance with the provisions of section 4-183.] The council may cancel or revoke any certificate if, after a de novo review, it finds by clear and convincing evidence (i) a basis set forth in subparagraphs (A) to (G), inclusive, of this subdivision, or (ii) that the holder of the certificate committed an act set forth in subparagraph (H), (I), (J) or (K) of this

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subdivision. In any such case where the council finds such evidence, but determines that the severity of an act committed by the holder of the certificate does not warrant cancellation or revocation of such holder's certificate, the council may suspend such holder's certification for a period of up to forty-five days and may censure such holder of the certificate. Any police officer or law enforcement instructor whose certification is cancelled or revoked pursuant to this section may reapply for certification no sooner than two years after the date on which the cancellation or revocation order becomes final. Any police training school whose certification is cancelled or revoked pursuant to this section may reapply for certification at any time after the date on which such order becomes final. For purposes of this subdivision, a lawful order is an order issued by a police officer who is in uniform or has identified himself or herself as a police officer to the person such order is issued to at the time such order is issued, and which order is reasonably related to the fulfillment of the duties of the police officer who is issuing such order, does not violate any provision of state or federal law and is only issued for the purposes of (I) preventing, detecting, investigating or stopping a crime, (II) protecting a person or property from harm, (III) apprehending a person suspected of a crime, (IV) enforcing a law, (V) regulating traffic, or (VI) assisting in emergency relief, including the administration of first aid.

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(3) Not later than thirty days after receipt of a decision under subdivision (2) of this subsection, the holder of a certificate aggrieved by such decision may appeal to the Commissioner of Emergency Services and Public Protection. Not later than fifteen days after receipt of an appeal, the commissioner shall appoint three hearing officers with expertise in law enforcement matters to hear the appeal. The hearing shall be conducted in accordance with chapter 54. A holder aggrieved by the decision of the hearing officers may appeal from such decision in accordance with the provisions of section 4-183.

Sec. 3. Section 29-6d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

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258 (a) For purposes of this section and section 7-277b:

- (1) "Law enforcement unit" has the same meaning as provided in section 7-294a;
- (2) "Police officer" means a sworn member of a law enforcement unit or any member of a law enforcement unit who performs police duties;
- 263 (3) "Body-worn recording equipment" means an electronic recording device that is capable of recording audio and video;
- 265 (4) "Dashboard camera" means a dashboard camera with a remote recorder, as defined in section 7-277b;
  - (5) "Digital data storage device or service" means a device or service that retains the data from the recordings made by body-worn recording equipment using computer data storage; and
  - (6) "Police patrol vehicle" means any state or local police vehicle other than an administrative vehicle in which an occupant is wearing bodyworn camera equipment, a bicycle, a motor scooter, an all-terrain vehicle, an electric personal assistive mobility device, as defined in subsection (a) of section 14-289h, or an animal control vehicle.
  - (b) The Commissioner of Emergency Services and Public Protection and the Police Officer Standards and Training Council shall jointly evaluate and approve the minimal technical specifications of body-worn recording equipment that shall be worn by police officers pursuant to this section, dashboard cameras that shall be used in each police patrol vehicle and digital data storage devices or services that shall be used by a law enforcement unit to retain the data from the recordings made by such equipment. The commissioner and council shall make such minimal technical specifications available to each law enforcement unit in a manner determined by the commissioner and council. The commissioner and council may revise the minimal technical specifications when the commissioner and council determine that revisions to such specifications are necessary.

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(c) (1) Each police officer shall use body-worn recording equipment while interacting with the public in such sworn member's law enforcement capacity, except (A) as provided in subsection (g) of this section, [or] (B) in the case of a municipal police department, in accordance with the department's policy adopted by the department and based on guidelines maintained pursuant to subsection (j) of this section, concerning the use of body-worn recording equipment, or (C) in accordance with guidelines adopted pursuant to subsection (k) of this section.

- (2) Each police officer shall wear body-worn recording equipment on such officer's outer-most garment and shall position such equipment above the midline of such officer's torso when using such equipment.
- (3) Body-worn recording equipment used pursuant to this section shall conform to the minimal technical specifications approved pursuant to subsection (b) of this section, except that a police officer may use body-worn recording equipment that does not conform to the minimal technical specifications approved pursuant to subsection (b) of this section, if such equipment was purchased prior to January 1, 2016, by the law enforcement unit employing such officer.
- (4) Each law enforcement unit shall require usage of a dashboard camera in each police patrol vehicle used by any police officer employed by such unit in accordance with the unit's policy adopted by the unit and based on guidelines maintained pursuant to subsection (j) of this section, concerning dashboard cameras.
- (d) Except as required by state or federal law, no person employed by a law enforcement unit shall edit, erase, copy, share or otherwise alter or distribute in any manner any recording made by body-worn recording equipment or a dashboard camera or the data from such recording.
- (e) A police officer may review a recording from his or her body-worn recording equipment or a dashboard camera in order to assist such officer with the preparation of a report or otherwise in the performance

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of his or her duties.

(f) (1) If a police officer is giving a formal statement about the use of force or if a police officer is the subject of a disciplinary investigation in which a recording from body-worn recording equipment or a dashboard camera is being considered as part of a review of an incident, the officer shall have the right to review (A) such recording in the presence of the officer's attorney or labor representative, and (B) recordings from other body-worn recording equipment capturing the officer's image or voice during the incident. Not later than forty-eight hours following an officer's review of a recording under subparagraph (A) of this subdivision, or if the officer does not review the recording, not later than ninety-six hours following the initiation of such disciplinary investigation, whichever is earlier, such recording shall be disclosed, upon request, to the public, subject to the provisions of subsection (g) of this section.

(2) If a request is made for public disclosure of a recording from bodyworn recording equipment or a dashboard camera of an incident about which (A) a police officer has not been asked to give a formal statement about the alleged use of force, or (B) a disciplinary investigation has not been initiated, any police officer whose image or voice is captured on the recording shall have the right to review such recording in the presence of the officer's attorney or labor representative. Not later than forty-eight hours following an officer's review of a recording under this subdivision, or if the officer does not review the recording, not later than ninety-six hours following the request for disclosure, whichever is earlier, such recording shall be disclosed to the public, subject to the provisions of subsection (g) of this section.

(g) (1) Except as otherwise provided by any agreement between a law enforcement unit and the federal government, no police officer shall use body-worn recording equipment or a dashboard camera, if applicable, to intentionally record (A) a communication with other law enforcement unit personnel, except that which may be recorded as the officer performs his or her duties, (B) an encounter with an undercover officer

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or informant or an officer performing detective work described in guidelines developed pursuant to subsection (j) of this section, (C) when an officer is on break or is otherwise engaged in a personal activity, (D) a person undergoing a medical or psychological evaluation, procedure or treatment, (E) any person other than a suspect to a crime if an officer is wearing such equipment in a hospital or other medical facility setting, or (F) in a mental health facility, unless responding to a call involving a suspect to a crime who is thought to be present in the facility.

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(2) No record created using body-worn recording equipment or a dashboard camera of (A) an occurrence or situation described in subparagraphs (A) to (F), inclusive, of subdivision (1) of this subsection, (B) a scene of an incident that involves (i) a victim of domestic or sexual abuse, (ii) a victim of homicide or suicide, or (iii) a deceased victim of an accident, if disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy in the case of any such victim described in this subparagraph, or (C) a minor, shall be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, and any such record shall be confidential, except that a record of a minor shall be disclosed if (i) the minor and the parent or guardian of such minor consent to the disclosure of such record, (ii) a police officer is the subject of an allegation of misconduct made by such minor or the parent or guardian of such minor, and the person representing such officer in an investigation of such alleged misconduct requests disclosure of such record for the sole purpose of preparing a defense to such allegation, or (iii) a person is charged with a crime and defense counsel for such person requests disclosure of such record for the sole purpose of assisting in such person's defense and the discovery of such record as evidence is otherwise discoverable.

(h) No police officer shall use body-worn recording equipment prior to being trained in accordance with section 7-294s in the use of such equipment and in the retention of data created by such equipment. A law enforcement unit shall ensure that each police officer such unit employs receives such training at least annually and is trained on the proper care and maintenance of such equipment.

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(i) If a police officer is aware that any body-worn recording equipment or dashboard camera is lost, damaged or malfunctioning, such officer shall inform such officer's supervisor in writing as soon as is practicable. Upon receiving such information, the supervisor shall ensure that the body-worn recording equipment or dashboard camera is inspected and repaired or replaced, as necessary. Each police officer shall inspect and test body-worn recording equipment prior to each shift to verify proper functioning, and shall notify such officer's supervisor of any problems with such equipment.

(j) The Commissioner of Emergency Services and Public Protection and the Police Officer Standards and Training Council shall jointly maintain guidelines pertaining to the use of body-worn recording equipment and dashboard cameras, including the type of detective work an officer might engage in that should not be recorded, retention of data created by such equipment and dashboard cameras and methods for safe and secure storage of such data. The guidelines shall not require a law enforcement unit to store such data for a period longer than one year, except in the case where the unit knows the data is pertinent to any ongoing civil, criminal or administrative matter. Each law enforcement unit and any police officer and any other employee of such unit who may have access to such data shall adhere to such guidelines. The commissioner and council may update and reissue such guidelines, as the commissioner and council determine necessary. The commissioner and council shall, upon issuance of such guidelines or any update to such guidelines, submit such guidelines in accordance with the provisions of section 11-4a to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and public safety.

(k) Not later than October 1, 2023, the Commissioner of Emergency Services and Public Protection and the Police Officer Standards and Training Council shall jointly adopt guidelines regarding the exigent circumstances under which a police officer may interact with the public without using body-worn recording equipment, such as when an officer responds to an incident while off duty or when body-worn recording

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- 421 equipment is not available to the officer. The commissioner and council
- 422 may update and reissue such guidelines, as the commissioner and
- 423 <u>council determine necessary. The commissioner and council shall, upon</u>
- 424 <u>issuance of such guidelines or any update to such guidelines, submit</u>
- 425 <u>such guidelines in accordance with the provisions of section 11-4a to the</u>
- 426 joint standing committees of the General Assembly having cognizance
- of matters relating to the judiciary and public safety.
- Sec. 4. (Effective from passage) Not later than January 1 2024, the
- 429 Department of Emergency Services and Public Protection and Police
- 430 Officer Standards and Training Council shall report, in accordance with
- 431 the provisions of section 11-4a of the general statutes, to the joint
- 432 standing committee of the General Assembly having cognizance of
- 433 matters relating to public safety and security, on:
- 434 (1) Whether the council has cancelled or revoked the certification of a
- 435 police officer for conduct that undermines public confidence in law
- 436 enforcement pursuant to subparagraph (I) of subdivision (2) of
- 437 subsection (d) of section 7-294d of the general statutes and an
- 438 explanation of the circumstances related to each such cancellation or
- 439 revocation:
- 440 (2) Whether the council has considered but declined to cancel or
- 441 revoke a police officer's certification for such conduct and the
- 442 circumstances related to each such instance;
- 443 (3) Whether the provisions of subparagraph (I) of subdivision (2) of
- subsection (d) of section 7-294d of the general statutes and guidance
- issued pursuant to subsection (g) of said section, provide sufficient
- 446 guidelines to police officers and law enforcement units regarding the
- 447 types of conduct that undermine public confidence in law enforcement,
- and the disciplinary actions that should be taken in response to different
- 449 types of such conduct; and
- 450 (4) Any recommendations for revisions to subparagraph (I) of
- subdivision (2) of subsection (d) of section 7-294d of the general statutes
- or guidance issued pursuant to subsection (g) of said section.

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This act shall take effect as follows and shall amend the following sections:			
Section 1	July 1, 2023	7-294b	
Sec. 2	October 1, 2023	7-294d(c)	
Sec. 3	October 1, 2023	29-6d	
Sec. 4	from passage	New section	

## Statement of Purpose:

To (1) expand membership of the Police Officer Standards and Training Council, (2) revise the process to appeal a suspension, cancellation or revocation of certification by the council, (3) require guidelines on police interactions with the public without the use of body-worn recording equipment, and (4) require a report regarding police officer conduct that undermines public confidence in law enforcement.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

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